

THE PROJECT MANAGEMENT & FINANCING EDITION

Community Living



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**Funding of Reserves &
Potential Statute
Changes; To Spring or
Not to Spring Into
Association Loans**

How to Manage
Construction Contracts
and Minimize Change
Orders



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This publication attempts to provide CAI's membership with information on community association issues. Authors are responsible for developing the logic of their expressed opinions and for the authenticity of all presented facts in articles. CAI does not endorse or approve statements of fact or opinion made in these pages and assumes no responsibility for those statements. This publication is issued with the understanding that the publisher is not engaged in rendering legal, accounting or other professional services. If legal advice or other expert assistance is required, the services of a competent professional should be sought.

WHAT IS CAI? Over 42,000 Members and Growing!

Community Associations Institute (CAI) is a national organization dedicated to fostering vibrant, competent, harmonious community associations. For more than 40 years, CAI has been the leader in providing education and resources to the volunteer homeowners who govern community associations and the professionals who support them. Our members include community association volunteer leaders, professional managers, community management firms, and other professionals and companies that provide products and services to associations. Our local chapter serves over 500 members with annual events including Trade Show & Expo, Golf Tournament, CAM & Board Member Education events and so much more.

READER COMMENTS & ARTICLES ARE WELCOME

Columns and ideas from all our members are always welcome. Send submissions in Microsoft Word format to: ced@cai-seflorida.org

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Community Associations Institute is committed to making diversity, equity, and inclusion a core aspect in our membership, on our staffs, and within the community association housing model at large. We firmly believe in the unique strengths of every individual and that diversity makes organizations more successful and communities more fulfilling. By actively cultivating diversity, we benefit from a vastly richer mix of ideas, perspectives, and life experiences that expand our thinking and our possibilities. We strive to foster a culture of discovery, innovation, and service as we continue to focus on our mission to build better communities.

At the **Community Associations Institute Southeast Florida Chapter**, diversity, equity, and inclusion stands for more than just a goal or quota. We strive to create an environment that reflects the various members we serve and where everyone feels empowered to bring their full, authentic selves. Together, we continue to build an inclusive culture that encourages, supports, and celebrates the diverse voices of our community.

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In addition to a toolbox of support materials, each student receives a certificate of completion and recognition on the CAI website.



From the Desk of the Executive Director



The first quarter is off to a great start! Spring is right around the corner and soon many associations will begin projects and will need to review how to fund them. In this issue, we feature project and financial management. You may have noticed the major improvements made to the

magazine. I encourage the members to provide us with your articles and photos to highlight yourself, your company and our chapter events.

Our Board of Directors, Committee Members, and I are ready to spring into action! For information regarding our education, membership, scholarships, awards and our two major events of the year; the Annual Expo and Annual Golf Tournament. Visit our chapter website to stay informed www.cai-seflorida.org and add ced@cai-seflorida.org as your contact to stay connected.

Best Roofing is the title sponsor for the Annual Golf Tournament. The Golf Committee has selected the charity *Sweet Dream Makers* a non-profit organization. *Sweet Dream Makers* promotes and improves the health and well-being of children and families by providing beds, bedding, and essential furniture.

There is no better way to become a part of the community you live or work in than to offer your time and volunteer! I invite you to join us in giving back to the community and sign up for our quarterly beach cleanups. The Young Professionals Committee selects beaches throughout Broward, Miami Dade, and Monroe County. If you or someone you know is

looking to obtain community service hours, come and join us at the beach clean ups.

For the first time ever, with the support of the Young Professionals Committee, we will be hosting a summer picnic on Saturday, August 13, 2022. The event will be a family fun day and open to the public to encourage community living. Bring your family, neighbor, and friends to what will be one of the most amazing community events!

We are very excited to announce on September 22, 2022, we will be hosting our popular Community Association Institute Expo at the Signature Grand in Davie, FL. The expo will host several business partners in a variety of service categories and education sessions taught by leading industry professional. Sign up to hear about the latest trends in the industry and legal updates! Active Community Association Managers (CAMs) and Association Board members, will have a chance to win a CASH reward. Will you be the Grand Prize Winner? Join us to find out!

Huge thank you to our board, our chapter members, volunteers and sponsors for supporting our chapter!

I look forward to seeing you at the events and as always, feel free to reach out if you have any questions.

Ciao,

Nicole Salcedo, CAM, Chapter Executive Director
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Cost Effective Techniques to Prolong the Life of Your Asphalt Pavement



Chad S. Mackey, Chief Engineer of DMI Paving & Sealcoating

Asphalt, just like any other construction material, degrades and deteriorates over time. However, there are a few, simple, cost effective measures you can utilize to extend the usable service life of asphalt.

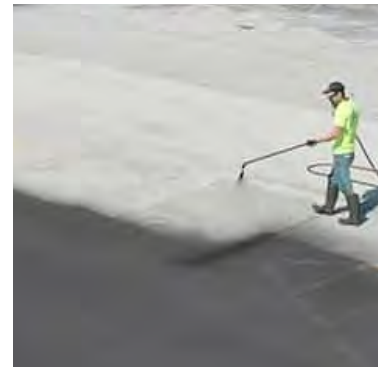
PROTECTION FROM WATER

Keeping water drained off of the pavement surface and in to drainage systems or green space will drastically reduce the potential for damages such as potholes. Maintenance measures such as re-grading low lying areas to drain properly and applying crack fill to keep water out of the sub-base can aid in reducing damage from surface water.



RETAINING SURFACE CONSISTENCY & SMOOTHNESS

Ensuring the asphalt surface isn't overexposed to the elements and isn't allowed to oxidize is critical in keeping maintenance costs low. If the top layer of binder is allowed to oxidize, aggregate will start to separate from the surface and drastically decay the pavement surface over time. By instituting a recurring sealcoating application every two to three years you can protect this vital surface layer and prevent accelerated decay and erosion.



ATTACK PROBLEMS WHEN THEY ARISE

Localized failures such as fatigue cracking and potholes are guaranteed to appear as asphalt ages. Removing and replacing these failures via patching will ensure that they don't get larger or create more substantial and costly problems in the future. Fix what is manageable early on and you'll avoid larger costs later on.



Asphalt pavements can be maintained and managed on a reasonable budget as long as the proper attention and preventative care is given. However, if asphalt is allowed to degrade over time without proper maintenance, high cost repairs like reconstruction or full depth replacement are imminent.

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Our Chapter Membership Drive is
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To Spring or Not to Spring Into an Association Loan



Written by: Lisa Elkan, VP of Alliance Association Bank, a division of Western Alliance Bank and Brian Ferguson, VP of Association Lending - East Region

If an association is contemplating a capital improvement project, they may be considering taking out a loan. If this is the case, there are some key factors to consider before getting too far into the

lending process. The first step will be to determine if an association is allowed to borrow and what actions need to take place in order to be able to legally proceed with a loan agreement.

This is the stage where an association will want to involve their legal counsel who will be familiar with the association's governing documents, as well as the state laws regarding associations. In order to close a loan, their association attorney will be asked to provide an opinion letter certifying the validity of the transaction, so an association should be aware of the following:

1. Allowance to enter into a loan agreement.
2. Allowance to pledge assessment income as security for the loan.
3. Knowledge of what approvals need to take place in order to execute such a transaction.

Once that has been determined that they have the ability to enter into a loan agreement, they will need to determine what means will be used to repay the loan. For smaller loans, an increase to regular monthly assessments may be a feasible way to make loan payments. Another option could be to implement a special assessment wherein each unit owner would pay up front or participate in the loan.

In either of these cases, board or homeowner approval(s) necessary to implement the desired repayment structure must be considered. It is not necessary to have the repayment structure implemented prior to applying for the loan, but in most cases the repayment structure will have to be approved before closing the loan. That being said, implementing an increased regular assessment or a special assessment, prior to obtaining a loan, may be a good way to demonstrate to a bank that an association has both community support and the ability to repay the loan.

At this point, an association is probably ready to engage a bank. It is advisable to utilize a bank that specializes or has significant experience with association lending. When applying for a loan the bank will want to know the type of loan and term being sought. For large lengthy projects, there will most likely be the option of entering into a non-revolving line of credit for the construction period. These lines are typically six to twenty-four months, and give an association the option for interest only payments during the construction period. Upon expiration or at the end of construction, the line will be converted to a fully amortizing term loan. A typical

term loan will be from three to fifteen years in length. It is important that the loan length not exceed the useful life of the improvements being financed. Alternatively, if the project is short-term or small in size, it may make sense to forego the non-revolving line of credit and enter into a term loan immediately.

When a bank evaluates a loan request, there are financial performance metrics that may be used to gauge the credit risk of an association. The following are several of these metrics that a bank may consider during the underwriting process. It may be possible for an association to improve in some of these areas prior to applying for a loan.

1. **Delinquency** - Number of accounts and total amount of delinquencies. Many banks have a maximum rate of 10% for number of units aged 60+ days.
2. **Liquidity** - Amount of cash as a percentage of annual assessments and annual debt service. Many banks have a minimum liquidity requirement of the association's annual assessments.
3. **Size** - More homes provide a diversified cash flow stream.
4. **Assessment Increase** - Large increases may cause delinquencies to rise.
5. **Annual Assessments/Market Value** - Annual assessments should not be greater than 10% of the unit value.
6. **Owner Occupancy and Concentration** - A high percentage of investors not living in their respective units poses more risk.
7. **Management and Capital Planning** - Strong external professional management company with experience in managing similar projects is desirable. Also, a professional reserve study that is at least partially funded indicates prudent financial planning.

Ratings of fair to strong in most of the factors above can greatly improve an association's chances of being approved for a loan. Overall, a loan may be a fantastic way for an association to finance a large capital improvement project. It allows an association to spread the cost out over a longer period of time which not only decreases the immediate impact to residents, but also allows for the costs to be allocated to future residents. These future residents will most likely be gaining benefit from the improvements.

Considering the key factors and financial performance metrics, an association is now able to better determine whether to spring forward with a loan.

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Project Management

How to Manage Construction Contracts and Minimize Change Orders



Written by: Marcy Kravit, CMCA, AMS, PCAM, CFCAM, Hotwire Communications

Many associations are experiencing a need to renovate and enter construction contracts. It is essential to consult with your association attorney when engaging a contractor for these types of projects. The contract must outline specific terms and conditions to protect the association. At the time a contract is signed for a construction project, the association and contractor enter a relationship much like a “marriage” and both parties are optimistic and cordial. However, the association realizes that the “honeymoon” phase of a construction project is usually over when the first change order comes rolling in. For all to “be on the same page,” make sure that the contract outlines that the contractor must notify the association in writing when something is going to necessitate a change...even when no-costs are involved with the change.

It is essential that the association require that construction contracts include that the contractor obtain a written change order as a condition to payment for additional work. Written change order provisions are placed in contracts for the association to be assured that it will have the authority to approve any changes regarding the original scope of work. Some contractors and building professionals who stand to gain financially from change orders also may not reveal that they have noticed errors or missing details from the original Request for a Proposal (RFP) and/or written specifications prior to issuing their lowest bids.

Most association disputes arise and may become adversarial because of changes that occur in a construction project. Aggressive contractors will threaten slow-downs and work stoppages if they do not get paid. The association board members will insist that unknown conditions, extra features, and the unexpected items that occur with the project should be covered by the original bid price and that the contractor should have known and factored for these unexpected items or conditions. It is advised to hire a licensed Engineer to oversee larger projects to ensure that the contract fulfills their contractual obligations as well.

A common situation may occur in this manner... the project has commenced and suddenly, your contractor informs the association that the agreed upon price has skyrocketed. He blames the detection of unforeseen structural problems, like a missing beam or termite damage, or may suggest design changes, and says that he has been faced with a complication or an unforeseen issue that has created additional work or materials. The additional fees might very well be legitimate; however, some unscrupulous contractors are known for bidding the project exceptionally low in order to get the work and then find reasons to increase the pricing later.

All change order requests should be reviewed by the project architect/engineer who will ensure that the following information is included:

1. A description of the requested change(s) in relation to the original bid specifications.
2. Documentation, as required, of the subcontractors' itemized costs.
3. The contractor's summary of total costs affecting the proposed change order.
4. The basis for the requested change in the contract and impact on the completion date.
5. The project architect/engineer needs to examine the requested change order to determine that the request is justified and reasonable and that the information provided is accurate.
6. The architect/engineer should submit his recommendation to the designated officer/agent of the association.

Construction contracts must be drafted by the association attorney and specify the steps necessary before additional work or deduction in work is authorized. Construction contracts typically provide that a change in dollar amount or time must be outlined and submitted in writing and must be submitted so many days in advance of the work (or so many days after the owner's request), signed by a designated officer or agent, and reviewed and approved within so many days of submittal. In addition, if the contractor refuses to show up, a liquidated damage clause should be included in the contract. This would be described as a penalty defined as a sum in which the contractor agrees to pay or forfeit in the event of breach of the contract, which is fixed not as a pre-estimate of the probable actual damages but as punishment, which is the threat designed to prevent the breach. Your association attorney may recommend that the contract should contain the starting and projected ending dates of the project and liquidated damages amounting up to \$1,000 per day for each day of delay beyond the scheduled completion date.

To maximize effectiveness with this process, a streamlined bidding process is a prerequisite and will generate lower, more competitive contractor bids. It is vital to choose an experienced architect or engineer to obtain clear specifications and construction documents.

Continued on page 15

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Do your homework by establishing a committee, consulting with the Board, and considering what the association really needs, what it wants, and what is possible and feasible. Realize what is reasonable and what is practical. Call on other buildings in the area that have performed similar work and request a site visit to compare notes and take photos to obtain ideas.

- Select professionals who are skilled and experienced in the type of project that you are considering.
- Select a licensed and qualified contractor.
- Negotiate a clear contract.

It is important to verify and review all references and identify other associations that have entered a contract for the same project with the contractor. Inquire whether there were any inconsistencies and ambiguities that were addressed during the project.

References are not all the same. Here are types of references you should examine:



1. Associations within the past 12 months, or a current job in progress.
2. Associations within the past three years.
3. Associations beyond three years.
4. Also check with the county records to find if a contractor has been named in any lawsuits.

Request that the contractor bid on all potential options that may be considered later. For instance, if you are entering into a painting project, make sure the specifications include all options that your association may not wish to do now, however, may change their mind later, such as they may wish to paint all metal door frames and windows. This way, you have done your due diligence as a manager in making sure that all potential items are included, and the contractor cannot take advantage of the association.

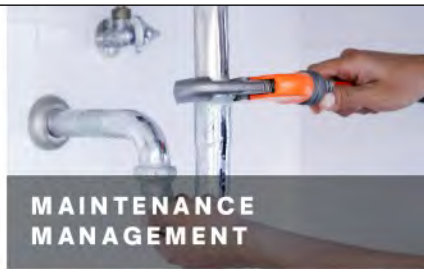
- Schedule a mandatory pre-site/pre-bid inspection and walk thru for all bidders to view the property and the scope of work. Contractors will better understand the plans, staging and expectations of the association.
- Establish timelines and inform that contractor when the bid must be in. Decide if the association will accept bids by mail, email, and fax or require hand delivered bids only.

- When the board may need to approve a change order, they are also approving an increase and impact on the original budget amount. The change order may impact the timeline and completion date. This information needs to be automatically incorporated into a revised budget (5-10 % in contingencies should be considered when budgeting for the project), revised schedule and amount of money allotted for the project. An addendum to the contract may be required and may be considered to include language in the original contract. Payment and performance bonds should also be included in the contract and budgeting process.
- If there is a payment schedule, it should be included in the contract. A payment schedule will detail when payment is due to a contractor and how much money you will pay him. Often, you will pay specified amounts at certain milestones in your contract. To avoid miscommunication and confusion, payments should be made at clearly defined intervals. Often, a contractor will request a deposit when the association signs a contract. Any advance deposit should be equivalent with the risk involved for the contractor. For example, if your contractor needs to special order materials before construction begins, the association may be asked to cover some of the special-order costs in the deposit. Consult with the attorney regarding subcontractors, releases of liens and partial releases of liens.
- If a contractor offers a written warranty, it should be referenced in the contract. The warranty should cover materials and workmanship. The names and addresses of the parties honoring the warranties (contractor, distributor, or manufacturer) should be identified. The length of the warranty period and any limitations should also be clearly stated.
- If a dispute between the association and the contractor arises, the contract should specify how the dispute will be resolved. The way the dispute clause is referenced in your contract is important. Check with your local building department whether there are any filed complaints against the contractor. Consider that the contract state that the contractor must agree to purchase all applicable permits. A dispute resolution clause should call for mediation or arbitration if a dispute arises between the association and the contractor. Mediation and arbitration are quick and inexpensive resolutions to a dispute.

If your association follows these steps and addresses all issues/ complaints directly to the contractor in writing, disputes and change orders should be kept to a minimum. As a Board Member and as the Manager, you can be reassured that by following these steps, you have performed your job and have done your best in protecting the association. Should the contractor refuse to make corrections and cooperate, the association may wish to file a complaint in writing with the Contractors State License Board and the local building department. If necessary, consult your association attorney.



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Know When to Call Your PROFESSIONAL



Written by: Howard J. Perl, Esq., Becker

What a year. Because of COVID-19 issues, associations have dealt with owners working from home, children remote learning, contractor issues, common area issues, the pool, the gym, the visitors, the cleaning, the quarantine, the masks, and so on. Quite a year indeed. Many associations have spent more time speaking with their attorney, and hopefully insurance agents, than they would have liked to. But along with all the other lessons, dealing with a pandemic has taught associations, perhaps the most important one in the long run will be – **know when to contact your professional.**

Of course, it is easy to determine when to contact your attorney when the association has a contract dispute, has been sued, violations, problem owners, problem tenants, etc. But there are other, not so obvious times as to when an association should contact its attorney. We will get to those in a bit. But what about other association professionals? When should an association contact its accountant, its insurance agent, engineer? Let's discuss some of these scenarios.

Accountant

Your association should be working with an accountant that specializes in association work. There are many nuances in dealing with condominium, cooperative and homeowner associations, especially with regards to what forms to file, how to present the year-end financial statements, including statutory required information, etc.

- How will pre-paying a loan affect the association's tax filing status?
- Are surplus funds taxable?
- Can the association sell a unit it owns via foreclosure and make a profit?
- Is that profit taxable?

These are all questions that should be discussed with your association accountant before the association takes action on the questioned items. The response from your accountant may allow the association to make a more informed decision as it pertains to how such decisions affect the association's year end statement and taxable items.

The association should be in communications with its accountant as needed, and certainly more than once a year, especially when it is time for the year-end report. Utilize your accountant when assessing the above issues.

Insurance Agent

The association insurance agent should be involved in many aspects of your association. If the only time you hear from your insurance agent is when it is time for the annual renewal, the association should consider a new agent. Your insurance agent

should proactively be working with management and the board to reduce risks in the community. Your agent should inspect the property at least once a year to identify risks and advise the association how to eliminate or mitigate such risks.

Large association contracts (roof repair/replacement, painting, concrete restoration, air conditioning, cooling towers, renovations, etc.) typically have association insurance requirements as well as indemnification provisions. These contract provisions should be sent to your insurance agent for review and comment before any such contract is signed (of course they should be reviewed by your association attorney as well). The contract may call for insurance the association currently does not have, or indemnification requirement specifically excluded by the association's current policies.

If the association signs a contract that contains insurance requirements or indemnification that the association's existing policies do not cover, in the event of a claim, the association may be paying out of pocket for such claims. If the association is paying out of pocket to defend a contractor for damages or injury caused by the contractor, such costs can get very high very quickly. Always have your insurance agent review the insurance and indemnification provisions of these types of contracts after your association attorney has made any revisions he or she deems necessary.

Finally, you may want to contact your insurance agent in regard to social events. If the association plans on serving alcohol, such as at a holiday event, do you have insurance for that? What about allowing others to serve alcohol when a social room is used by the owners for an event – does the association have insurance for that? Are you inviting the public in for an event? Does the association have insurance for that?

Engineer

Most condominium and cooperative associations have engaged an engineer from time to time, whether to prepare specifications for a job or to oversee large construction or renovation projects. But there are other times an association may want to utilize an engineer.

The roofing company will tell you they will supervise the roof installation. The painting company will tell you they will inspect the paint job. The general contractor will tell you they will inspect the concrete restoration work. And they all will. So why should an association pay an engineer to inspect and oversee such work? I would hope the answer is obvious. No disrespect to any of the aforementioned contractors, but an association should always have its own engineer overseeing such work. The association engineer works for the association; the inspectors from the various companies work for the company. An association should always factor in the cost of its own engineer when planning the costs for such large projects.

Continued on page 35



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Three Reasons an Association Should Hire a Project Management Firm



Written by: Plaza & Associates

Construction projects at condominiums have become increasingly complex and bring major challenges for associations. Below are three key reasons why every condominium capital improvement project should have a project management team that provides strong operational support and a clear channel of communication between the board, management and most importantly, homeowners.

COMMUNICATION

A project manager's key responsibilities include not only informing the board of the latest activities for a construction project but also notifying the residents. Typically, a project manager will send weekly updates to the board and to residents, which include a phone number and an email address where questions can be directed therefore taking away the burden from the management team. The project manager provides updates on architecture, engineering, scheduling, and construction – enabling the board to focus on the big picture.

COST CONTAINMENT

Construction costs, particularly given today's supply chain woes, are a critical factor with any project, and it's impossible for someone outside of the industry to keep track of the changing costs associated with a construction project. There are too many "moving parts" and variables for the average person to oversee. A project manager represents the association, providing expertise on estimating, procurement, and inventory. The project management team provides a valuable set of eyes and ears for the board so that a project stays on budget.

LIABILITY

Since the tragic condo collapse in Surfside last year, liability has jumped to the forefront of every conversation about condominium construction and renovation. First and foremost, no one wants to see another tragedy like Surfside, and the only way to prevent it is to be absolutely certain that you've done everything you can as a board to follow all rules, laws, regulations, and best practices. Project managers act

as another layer of protection and also carry extensive liability insurance.

Construction projects at condominiums are always challenging, but the right project management firm with a qualified team can solve communications issues, keep costs under control, and help minimize liability – services that will quickly pay for themselves when a board embarks on a major project.



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Funding of Reserves and Potential Statute Changes for 2022-2023



Written by: JR Frazer Reserve Studies & Insurance Valuations

Tallahassee will be reviewing a bill in 2022 that has been recommended by our industry leaders and a task force that was designed to help condominium and cooperatives better handle their reserve accounts to avoid potential catastrophes that faced Champlain Towers in 2021. Though we are far away from anything passing, here are some of the highlights of the bill that will be recommended to our State Governor:

“applies to buildings that are 3 stories or higher”

1. All condominiums and cooperatives must separately reserve for structural and safety related items from other reserve items.
2. All condominiums and cooperatives must order a reserve study every 36 months in order to waive and or reduce their reserve funding requirements.
3. All condominiums and cooperatives must provide a copy of the reserve study to all unit owners.
4. There must be a majority vote of 75% or more in order to waive and or reduce annual fully funding reserve requirements.
5. All condominiums and cooperatives to provide a copy of a reserve study ordered within the last 36 months to prospective residential unit purchasers. If a reserve study is not available, then accounting records disclosing the health of the association/cooperative's reserves.
6. Realtors to provide disclosures (in contract form), stating whether or not the association/cooperative has either waived and or reduced reserve requirements.

If the association elects to waive and or partially fund reserves, there will also be other disclosures that will need to accompany year end budgets regarding the status of reserves... for example:

THE BUDGET OF THE ASSOCIATION DOES NOT PROVIDE FOR FULLY FUNDED RESERVE ACCOUNTS FOR CAPITAL EXPENDITURES AND DEFERRED MAINTENANCE CONSISTENT WITH THE ASSOCIATION'S RESERVE STUDY. FAILURE TO FUND RESERVES CONSISTENT WITH THE ASSOCIATION'S RESERVE STUDY MAY RESULT IN UNANTICIPATED SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

Whether or not the above bill passes legislation, it is still important to understand the purposes of reserving for all association types that exists in the state of Florida. Firstly, it is still the fairest way to distribute the maintenance costs between present owners and future owners. By fully funding reserves, unit owners and potential buyers have a realistic budget as to whether or not the building they are either living in and or will be purchasing is something the individual can afford. Otherwise, it creates a false illusion that a certain association type is affordable.

With all living costs rising, another \$50 to \$100 a month might be a lot of money for a family on a budget. But the flip side is that a special assessment of \$1,500 to \$5,000 might be just as devastating to a family. The other draw back that occurs with not properly annually reserving is that the unit owner and or the homeowner can gain large profits from the sale of their home/unit in today real estate market, and walk away without paying their fair share of reserves. This truly needs to be evaluated by board members when considering waiving and or partially funding reserves.

I have personally been in conversations with property managers who have stated that the unit owners have all decided to keep their monies instead of putting them towards reserves. The understanding was that the unit owners through their own investment skills can gain much more interest and appreciation on their monies versus having the association put monies aside into the association's savings account. There are a few problems with this scenario. Firstly, as mentioned above, what if the unit owner/homeowner sells the unit before the day of the special assessment? Does the unit owner/homeowner provide a lump sum check to the association on the sale of their property from past due partial funding of reserves – the answer is “usually no”? Secondly, what happens if that person files bankruptcy? Thirdly, in the year of the special assessment, the stock market & economy crashes.

On an annual basis, in a scenario of properly fully funding reserves, the association owns the money – not the unit/homeowner. The monies set aside for reserves by the association are safe guarded in a savings/checking account to help pay for the maintenance and upkeep of the property. When there are not sufficient monies set aside for reserves, projects are delayed and or items are repaired when they should be replaced. Since board members all work for free, it is not unreasonable for boards to make decisions on replacing items instead of repairing items that are past due their useful life. By replacing asset items that are past due their useful life, the association most likely will not need to revisit the maintenance of those items for a period of 10 to maybe even 30 years. Otherwise, the association is constantly running behind maintenance items that are really due for a full replacement.

In 2022, the State of Florida will most likely put legislation forward to guide associations towards properly funding reserves for the maintenance of the building and safety related items within an association. Boards must also understand that the beatification of communities is also their fiduciary responsibility. So though reserve funds are extremely important in the maintenance of buildings, sidewalks, etc., the appeal of a community and or a condominium building maintains and potentially increases the market value of all unit/home. All of this requires money. The fairest way to equitably distribute these costs are through annually fully funding reserves.

CAI-SEFL Young Professionals



The YP of the quarter initiative is intended to boost young professional involvement within our chapter while also highlighting those selected. The criteria for selection is as follows: must be a member of the chapter, must be 35 and under, and preferably an involved member. **Make your nominations on our website! Visit: CAI-SEFLorida.org, and then choose Young Professionals.**

2022 Quarter 1 is awarded to:

Ryan Brewer

Described as energetic, sincere, and compassionate by his peers, Ryan Brewer is a natural leader. His structured experience in the United States Army and experience in various sales roles have helped him excel in his primary role in business development while seeking additional opportunities to assist with operations and improve internal processes at Flotech Environmental.

Ryan has a desire to make a difference. He demonstrates this drive by getting involved in several professional groups and organizing events that impact the community.

It's Ryan's "can-do" mindset and ability to wear multiple hats within multiple organizations that brought Ryan to the top of the list for YP of the Quarter. We would also like to congratulate Ryan for spearheading a successful 2022 CAI-SEFL beach clean-up. Cheers Ryan!



Thanks to everybody who participated in our Beach Sweep on February 12, 2022 at Sunny Isles!





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COMMITTEE REPORTS



Awards Committee

Last year the committee awarded Mr. Michael Poorman as the 2021 Homeowner Leader and Ms. Linda Johnson, CAM as the 2021 Manager of the Year. This year the Awards Committee is working on the requirements that need to be met to be nominated and selected as the Homeowner Leader of the Year, Manager of the Year, and many more awards. The committee is focusing on selecting the first CAI Southeast Florida awards gala venue.

Broward Events Committee

The Broward Committee was off to a great start with the Tap 42, Davie, FL mixer on Feb 15th with over 67 attendees! This committee really knows how to throw a great networker. The committee will be announcing the upcoming Broward events dates and venues. Be sure to RSVP.

Education Committee

The Education Committee has selected the first and second quarter continue education courses for the chapters Hot Topics and the monthly webinars hosted on the 2nd Tuesday of each month. To learn more about the upcoming classes, visit the website under events. On April 21, 2022, the committee will be hosting an educational mixer at Global Pro. If you want to earn a CEU credit, make sure to RSVP for the event. Limited seating.

Trade Show/Expo Committee

This year the EXPO committee has selected Signature Grand as the venue for the upcoming September 22, 2022, exposition. They have even made the decision to offer a cash prize to the grand winner. The committee is currently working on selecting venues for the Key West exposition. Stay tune!

Golf Committee

Golf committee members have selected Jacaranda Golf Course as the venue for the April 1, 2022, golf

tournament. Sponsorships are sold out!!! The golf committee selected Sweet Dream Makers as the non-for-profit organization to which the proceeds from the golf tournament will be donated to.

Membership Committee

A huge thank you to the Membership Committee for reaching 527 active chapter members! The membership committee held a membership mixer at R House and announced the 2021 winners of the membership drive. This year the committee is strong and determined to bring more aware to community members on all the benefit the chapter has to offer.

Miami-Dade Events Committee

You asked and the Miami Dade Committee members have answered! On March 15, 2022, join the committee in celebrating St. Patrick's Day at Pub 52 in South Miami. The committee is working on venues in different cities within Miami Dade to host educational classes and networkers.

Scholarship Committee

The Scholarship & Mentorship Committee is excited to partner up with FIU Chaplin School of Hospitality & Tourism Management and highlighting our management members and industry professionals to offer insight to students interested in the Community Association Management.

Young Professionals Committee

As for the Young Professional Committee the members had a successful event on February 12 at the Sunny Isles beach cleanup. With over 25 high school students in attendance the committee did a great job in educating the students on the chapter benefits and what CAI is about. The committee members are busy preparing for the August 13 Summer Picnic and will be sharing the venue with all of us soon!

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Manager of the Year

Linda Johnson
LJ Services Group

Linda Johnson is the CEO and Founder of LJ Services Group, Corp., a Property Management company.

Linda's background includes working for a Corporate Fortune 500 company for 13 years, over 20 years of experience in Property Management along with certifications in Project Management from FIU, a master's in business administration from Nova Southeastern University, Real Estate license for over six years and CAM licensure since 2001. Her company also provides classes for licensed managers to continue their education as well as certifications for new Board Members. It's no wonder her clients get results.



hardworking and resourceful, with a friendly and professional demeanor. She is a skilled community manager with a deep understanding of residents' preferences and business operations requirements, and has a successful history of working with the team while improving community satisfaction. Her expertise of day-to-day operations in community association management has led her to proactive results. She is a hands-on community association manager also known for excellent public relations and marketing coordination, and is a highly trained professional with a passion for working with, and for, the people.

Over twenty years ago Linda started a company as an advocate for owners and Board members for the Community Association Management industry. Using her twenty years plus of management experience, she improves properties and streamlines operations for efficiency. Linda is

She has been featured in Chic Miami Magazine as an entrepreneur, even during COVID. She has also been featured in Florida Journal Community Association, and her company was awarded the 2022 Platinum Award from the Florida Community Association Journal.



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Homeowner Leader Spotlight

Michael Poorman, President

Mariposa Point at Weston Town Center Condominium Association, Inc.



Michael is Board President for Mariposa Pointe at Weston Town Center Condominium Association, Inc. He has served on the board since 2014 and in his current position as president since 2015 (6 years). While serving in this capacity, Michael became frustrated with the overall

resident servicing experience. After surveying the community, hearing resident concerns, and learning about the various pain points, Michael set out to create a better, faster, more efficient resident-centric versus manager-centric servicing solution. He designed, built, and now manages a tailor-made resident-centric website which serves as a fulcrum on which all residence servicing is delivered. The outcome is a more organized state of operation where property manager and residents have access to the tools they need, enabling all users to get it done fast at anytime from anywhere, generating cost savings from an improved process and workflow, and more significantly reducing the number of inbound residents related service calls to the property manager by more than 76%. The website and its functional capabilities were so successful and unique that other associations have reached out to ask Michael for help.

How Michael sets himself apart from other volunteers is illustrated through his strong track record of and commitment to continuous learning and skills development in the CAM field. His acquired credentials to date include Certified Florida Community Association

Manager (CFCAM), Association Management Specialist (AMS), Certified Manager of Community Associations (CMCA), Florida Licensed Community Association Manager (LCAM), and State approved Board Member Certifications for Condo, HOA, and Coop. In addition to his membership in CAI, Michael is a member of the Broward Coalition of Condominiums, Homeowner Associations and Community Organizations, Inc. He is also an active participant in CAI-SE FL's monthly Hot Topic Breakfast meetings and has recently joined the Membership Committee where he hopes to bring his drive and commitment to help grow more local leader participation.

Recognizing the value to continuous learning and skills development, Michael introduced and led his board to adopt a policy resolution that would support CAI membership

including a requirement for preferred selection of CAI credentialed CAMs, vendor service providers, and a prerequisite for Mariposa Pointe volunteers to attend a State approved educational course (as opposed to signing a simple affidavit) as a basic eligibility requirement for board service. From Michael's point of view, professional CAM, and board member related credentials matter!

Leveraging his executive leadership experience with American Express, Michael aligned his community around six priority areas of focus which are updated annually to ensure board accountability to unit owners. Additionally, he introduced six guiding values, which are the principles the board use to guide their actions and decisions. They also clarify for owners what the board stands for, believes in, and conveys the behaviors all residents should expect to see



from Mariposa Pointe board members as a result. Some of Michael's additional above and beyond activities include welcoming and educating every new member of the community—owners and non-owner residents alike. He meets with them personally to deliver their security access credentials, welcome them to the community, and address any questions they may have. He setup a resident's only Facebook page, which he integrated with the resident's only website, to create a greater sense of community and promote a value-added neighborly engagement experience.

Pictured above left to right: President Steve Mason, Committee Chair Marcy Kravit, and the CAI-SEFL Homeowner Leader of the Year, Michael Poorman.



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Registration Fees include greens fee, cart, goody bag, box breakfast and lunch buffet at the post tournament banquet.

Cancellations received after Thursday, March 24, 2022 will not be refunded. Substitutions are permitted. For alternative payment methods, contact our Chapter Executive Director. By registering to play/attend, you (and all team members) are also agreeing with our COVID-19 Waiver of Liability and Indemnification.

Chapter Contact:
CED Nicole Salcedo
954-816-0661
ced@CAI-SEFlorida.org

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There are other times an association should utilize its engineer. If your association is approving owner renovations through an architectural control board ("ARB") or other similar body, or even just the board, generally board members are not qualified to review plans. If an owner is installing a new floor or changing out a door, an engineer may not be necessary; when an owner is making structural changes in a unit, combining units, installing a pool, adding an addition, etc., the association should engage an engineer to review all plans and inspect the work to insure it is done according to the association approved plans. Generally, an association can pass such costs on to the owner, but you need to check with your association attorney to determine if any amendments or rules must be enacted to do so.

Attorney

As you can see from the above information, there are many times an association should consult with its professionals. Typically, the attorney is the one associations consult with the most. I am not exaggerating when I tell you I have some clients I am in contact with on a daily basis. There are many factors at play when considering when to contact the association attorney – manager experience, board experience and involvement, age of the association, etc. Some associations contact their attorney regarding every violation or violation letter. Other associations only contact their attorney when they have been sued. There is no one size fits all.

Any large contracts should be reviewed by your attorney. Does that mean the attorney needs to review the contract for

a \$5,000 water heater? Perhaps not. But be wary of one page "proposals" contractors ask you to sign; be wary if asking for 50% or more down (never sign such a contract without attorney review); be wary of signing any proposal that is valid "today only" or "this week only"; and never sign an AIA contract before your attorney has reviewed the contract.

All requests for a reasonable accommodation (handicap parking, emotional support animal, service animal, ramp, pool lift, etc.) should always be sent to the attorney for review.

If the association is considering denying a sale or lease application for any reason, consult with your attorney before the association denies the transaction.

If there are any questions on official record requests, or written inquiries, contact your attorney. Rule interpretation. Guest interpretation. Vehicle towing questions.

Employee questions. Document interpretation. Consult your association attorney for all of these questions before the association makes a decision that may require your attorney to untangle later.

Finally, please do not make the mistake I see all too often. The association sends the attorney a significant contract for review. The attorney diligently reviews the contract, making notes as to revisions, addendum, etc. Turns to the last page of the contract – already signed by both parties. Asks the association why it is signed already – "we already signed it, just wanted to see if you had any comments". Don't be that association!



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Rosanna Castorino | AMS | 10/8/2021
Victor Reyna Perez | AMS | 10/8/2021
Marlene Menendez | AMS | 10/27/2021

Virginia Ochoa | AMS | 10/27/2021
Aracely Euceda | AMS | 12/2/2021

To earn the AMS credential, managers must have at least two years of experience in community association management and complete advanced course work. In addition, they must have already earned the basic industry certification for managers—the Certified Manager of Community Associations credential.

David Ward | PCAM | 12/10/2021

Gerardo Palacios | CMCA | 11/4/2021

To earn the PCAM credential, managers must have five years of community association management experience and complete more than 100 hours of course work. In addition, credentialed PCAMs must fulfill continuing education and service requirements, as well as adhere to a code of ethics.

CAMICB, formerly NBC-CAM, was established by Community Associations Institute (CAI) in 1995 as an independent nonprofit that develops and administers the CMCA certification program. CAI created the program in response to a need for stringent professional standards of community association management.



Our 2021 Scholarship winners! Pictured on the left is Jason Schoenholtz. On the right is Iliana Cordero-Levine. Congratulations to each of you!

Recently Earned BPE - Congratulations!

Donald Brodsky | **Flash Restore**
Alex Bustillo | **PSI Roofing**
Jon-Claude Damion | **PSI Roofing**
Justin Fales | **Association Reserves FL**
Ben Friedman | **CitiQuiet Windows & Doors**
Aldo Pablo Gonzalez, RS | **APGAcivil**
Joshua David Guerra | **Association Reserves FL**
James L. Happel | **Virtual Guard, Inc.**
Ana Kehrer | **A&P Contracting Co. Inc.**
Marcy Kravit, CMCA, AMS, PCAM, CFCAM | **Hotwire Communications**
Andrew Rossberg | **A&P Contracting Co. Inc.**
Brett Russell | **Virtual Guard, Inc.**
Crystal Scavuzzo | **DMI Paving & Sealcoating**
Diana Zayas-Bazan | **Angius & Terry, LLP**

Business Partner Essentials is a course designed to help CAI-member product and service providers better understand CAI, community associations and the industry at large. Individuals who pass the course and maintain CAI membership earn the CAI Educated Business Partner distinction, gaining special recognition among thousands of companies and professionals who support common-interest communities—accountants, attorneys, bankers, insurance professionals, landscapers, painters, reserve specialists, software providers and many others.

All CAI Educated Business Partners are listed and can be found online via CAI National's Website. Visit CAIOnline.org and click on Business Partners.



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2022 CAISEFL *Board of Directors*



Steve Mason, PCAM | President

After over 12 years of serving on the Board of Directors, Steve is very honored to be your Chapter President for the 2021–2022 term. He was very grateful when he was nominated by his peers on the Board by a unanimous vote for the President-Elect position. Over the years, Steve served on our Board with many fantastic industry professionals of which he doesn't just consider them colleagues, but also friends. Steve has also led the "Golf Committee" as the Chairman putting together a great golf event with the committee for the last 10 years at the same time raising money for local charities.

Steve is a proven veteran of the association industry with over 20 years of extensive experience in all facets of association management beginning in 1999. During his career, Mr. Mason also spent time working with a structural engineering firm as a licensed building inspector. During which he has managed several concrete restoration and re-roofing projects and assisted in several hurricane-related damage claims. Since late 2019, Steve's career path led him as the Director of Client Relations for a reputable law firm helping associations all over the United States with disaster loss claims.

As an ongoing advocate of the CAI PMDP program, Steve has obtained his Professional Community Association Manager (PCAM®) along with his CMCA®, AMS®, designations. Steve has a passion for education and is currently part of a team with CAI National with their first "Hi-Rise" workshop as an educator / presenter.



Andrew Dyke, CPA, CAM | President-Elect

Andrew is a Certified Public Accountant ("CPA") with over 15 years of public accounting experience at Bashor & Legendre, CPA's. Andrew has focused his career in the Common Interest Reality Association ("CIRA") industry. He frequently conducts seminars and workshops on various accounting and CIRA related issues. Mr. Dyke is a member of the American Institute of Certified Public Accounts ("AICPA") and Florida Institute of Certified Public Accounts ("FICPA"). Andrew is a Florida native and graduated from the University of South Florida. Outside of work, Andrew enjoys golf and spending time with family. He is married to Megan, (who is also a CPA at the same firm) and has two boys, ages 3 years and 8 months. Andrew is honored and excited to lead the CAI South Florida chapter as President in 2023.



Sally Mevers, CIRMS, CPIA | Vice-President

Sally is a Vice President and Producer at Acentria Insurance. She has been in the insurance industry, specializing in community association insurance, since 2010 and involved in CAI since then as well. She is currently the chair of the Scholarship/Mentorship Committee, previously co-chaired the Broward Events Committee, as well as a member of the Golf Committee. Sally earned her Community Insurance and Risk Management Specialist designation in 2018. She has taught several continuing education courses and been a panelist on several panels for board members, providing her insurance expertise. A native Floridian, in her spare time she enjoys travel and exploring new places.



Diana Zayas-Bazan, CAM, CMCA | Secretary

Diana Zayas-Bazan, CAM, CMCA, Certified Mediator 36303 C, Director of Marketing South Florida for Angius & Terry LLP, a Florida Law Firm Specializing in Construction Defects. Her focus is educating board members, owners, and community association managers about construction defects/558 claims.

Ms. Zayas-Bazan co-founded, managed her own small business, and grew this business in a short period of time serving hundreds of South Florida clients by providing excellent client service. Diana sold the business and began a new career at a law firm in South Florida, in the Firms Community Association Practice Group. In keeping with her entrepreneur spirit, Diana founded A CAM Educational Services, an educational company, which provides education, election monitoring, consulting services and alternative dispute resolution, for boards, owners, and managers.

Diana is passionate about teaching and sharing her knowledge of shared-interest communities. She is a longtime advocate for education for both board members and community association management professionals. Ms. Zayas-Bazan has served on various community organization boards for the past 15 years and strives to increase awareness on legislation affecting community associations. She currently serves on her own community board, the Harbordale Community Civic Association, and is the Secretary of CAI-SE Florida Chapter. Diana is an instructor for Gray Systems Inc., the leader in community association education, where she teaches the CAM Prelicensure Course.



Luis Alicea, CAM | Treasurer

Luis Alicea, LCAM is a Community Association Management professional with over a decade of experience in managing Condominiums, and HOA's in the South Florida Community Association market. Currently, Luis is the Director of Business Development for Affinity Management Services, based out of Doral, FL. Luis is involved in several Community Association Organizations where he dedicates, and volunteers his time to educate Managers, and Board Members by connecting them with the right industry experts in his network.

His biggest pride is being Father of 5 boys, 3 biological and 2 adopted, and a husband to his high school sweetheart Natalie Saldarriaga-Alicea, they now have been married for 25 years. Luis also fosters, adopts, and educates on the misunderstood bully breeds.



Russell M. Robbins, Esq. | Director

Russell is the Managing Partner of Basulto Robbins & Associates, LLP, a community association law firm based in Miami Lakes. Board Certified in Condominium and Planned Development Law by the Florida Bar, Russell has been active in the community association industry for over two decades, having served previously on the Board of Directors of the Chapter as well as being a Past President of the Chapter. Basulto Robbins & Associates, LLP serves as general counsel for community associations throughout South Florida.



Rebecca Prieto | Director

Rebecca is the South Florida Team Leader and Senior Lender for Popular Association Banking (PAB), and has worked with the Team for 20+ years. In addition to managing PAB's two lenders in the region, she manages her own portfolio. Rebecca's consistent success in generating loans and deposits has contributed to her achievement as PAB's top producer. She routinely uses excellence in customer service as a competitive edge in this crowded banking niche. Rebecca continues to raise the bar for relationship banking, providing strong leadership to her team, while maintaining the Bank's dominant role serving the financial needs of community associations. She began her banking career in 1981, and is a graduate of Florida International University, with a bachelor's degree in management and personnel management.

Outside of the office, Rebecca has a passion for helping others and giving back to the community, and spends time volunteering for Junior Achievement and UCO of South Florida. She also enjoys her involvement with her church, spending time with family, and traveling. She currently serves on the Board of Directors for CAI Southeast Florida, is Co-Chair of the Membership Committee for CAI Southeast Florida.



Kathy Naughton, CMCA, AMS | Director

Kathy Naughton is a Vice-President of the Association Banking group for Centennial Bank. Kathy has over 16 years in the property management industry, with experience as a portfolio property manager, Board member and banking professional. She is very active with CAI, having served multiple terms on the Board of the Southeast Florida chapter and filled one term on the Board of the Gold Coast Chapter. Kathy is a current Board member of the Southeast Florida Chapter. She also holds both her Certified Manager of Community Associations designation and her Association Management Specialist designation.



James Gonzalez, LCAM, EBP | Director

James "Jimmy" Gonzalez, LCAM, has been a CAM member and volunteer on multiple committees since 2011 and a Market Director with LM Funding, America since 2015. Jimmy's serving his second term as Director and Chair for CAI Gives Back. He has an eclectic work background as an EMT in ER's and ICU's, owned/operated a Mailboxes Etc., worked as on-site CAM, Supervised Portfolio Managers, Director of Business Development with a National Mgt. company and an Appointed Condo Election Monitor through the Office of the Ombudsman. Jimmy's married for 32 years to his beautiful wife Karen, has three children, David, Christina, and Sam, and three grandchildren. Jimmy's philosophy regarding Community Associations is to direct Board members, CAM's, and industry professionals to attend CAI CEU classes for "Best Practices" principles for everyone involved.



Mary Molina-Macfie | Director

City (Weston) Commissioner Mary Molina-Macfie, was elected to office in November 2018. She serves as the Alternate Presiding Officer for the City as well as alternate to the Broward County Water Advisory Board, and is currently First Alternate for the City of Weston to the Broward League of Cities.

Long-time advocate Molina-Macfie has championed many causes which lead to the initiation of an indoor air quality protection policy for area schools, the City of Weston having the strictest sexual violator code in the state of Florida, she started the first Veterans Association in Weston (VOW), is a former Vice Chairperson of the Consumer Affairs Board of Broward County, Vice Chair of the Broward Coalition of Condominium & Homeowner Associations, Board Member of CAI, Delegate of the Florida Legislative Alliance, and a Board Member of the Weston YMCA Family Center.

In August 2021 after the Surfside Tower collapse, Commissioner Molina-Macfie was appointed to the Broward County Condominium Structural Issues Committee by Broward County Mayor Steven Geller.

Professionally, Commissioner Molina-Macfie is a business owner who has a long history of understanding the dilemmas of property managers and individuals residing within Homeowner and Condominium Associations. She continuously takes classes on topics such as landscaping, irrigation, building structural issues, roofing, asphalt, budgeting, ethics, contracts, human resources, cultural diversity and domestic violence to maintain her certification and licensing in Mediation and Association Management.



Marcy Kravit, CMCA, AMS, PCAM, CFCAM | Director

Marcy Kravit is the Director of Community Association Relations for Hotwire Communications. She has been a member of CAI for over 22 years. Marcy has served, as Vice President on her homeowners association Board of Directors in Weston, FL for over 20 years, is a business partner, and a Florida Community Association Manager. She currently chairs the CAI Awards Committee and the Community Living Magazine.

Marcy is the recipient of the "2014 National Manager of the Year Award" and "2018 Top Ten National Managers of the Year Award" 2021 "Mentor of the Year" for Women Empowering Women in Development, FCAP's Top Women of the Industry and 2021 Women Making a Difference. She authors The Florida Community Association Journal "CAM to CAM" monthly column where she promotes her passion for "sharing the knowledge." Marcy has also earned the highest CAI designations and credentials.



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